Seychelles

Annex 1. Labour Migration Action Plan

I. Overall objectives and expected outcomes

Key areas of intervention /objectives	Expected outcomes
1. Governance of labour migration Objective: To ensure that effective institutions,	1.1 Coordination mechanisms are established to foster greater policy coherence among ministries and to ensure the full participation of social partners and relevant civil society organizations in policy development, implementation and monitoring
procedures, and regulations are in place to govern labour migration based on reliable data and broad stakeholder participation.	1.2 Reliable, relevant, up-to-date quantitative and qualitative sex-disaggregated data on labour migration is produced and utilized for evidence-based policy making
	1.3 Coherent legislative and regulatory frameworks are in place in line with international conventions and based on the principle of equal treatment for all workers
	1.4 Regulations for controlling inflows of migrant workers are in line with established labour market needs and efficiently administered
	1.5 Bilateral relations with primary countries of origin of migrant workers are strengthened to promote fair and well-managed international migration.
2. Protecting the rights of all workers	2.1 Existing regulations for the protection of workers are enforced, taking into account the specificities of migrant workers, including gender differences
Objective: To protect the rights of migrant workers and uphold high standards of working conditions for all	2.2. Sex-disaggregated data on abuses and violations of labour and immigration laws and regulations is systematically collected and applied
	2.3 Gaps and ambiguities in relation to access to social protection benefits or migrant workers are rectified
	2.4 Migrant workers have access to information and services enabling them to enjoy their rights in practice, including access to justice and specific services and information targeting women migrants.

Key areas of intervention /objectives	Expected outcomes
	2.5 Relevant authorities, social partners, and the general public are sensitized to the positive contributions of migration to development as well as to the specific protection needs of migrant workers`
3. Attracting, retaining and developing skills	3.1 Accurate labour market information and other data is available to assess supply and demand of skills in key sectors and occupations
Objective: To ensure that the right mix of skills is available in the Seychelles in order to meet labour	3.2 Skills identification and skills development programmes are strengthened through strong public- private partnerships
market needs and promote productive and sustainable employment for all workers.	3.3 Skills transfer programmes are improved place to facilitate local workers' access to productive employment
	3.4 Strategies for the return and retention of Seychellois are developed
4. Fair and effective recruitment	4.1 Measures are enacted and enforced to protect workers from fraudulent or abusive recruitment practices
Objective: To promote fair and effective recruitment practices for all workers.	4.2 A comprehensive regulatory framework for recruitment activities is in place
	4.3 Greater flexibility is introduced in employer-migrant worker relations to reduce mobility constraints on migrant workers
	4.4 Overseas recruitment processes are improved to facilitate the efficient recruitment of qualified workers
	4.5 Collaboration between public employment services and private recruitment agencies is enhanced to deliver more effective job placement and recruitment services

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II. Actions, stakeholders, anticipated benefits, and time frame

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
Priority area 1: Governan	ce of labour migration			

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
1.1 Strengthened inter- ministerial coordination and participatory migration processes	 Establish a regular meeting schedule between the Departments of Employment and Immigration and the Ministry of Education, with other relevant ministries invited on an ad-hoc basis Establish an advisory committee to monitor implementation of the NLMP and, as needed, specific thematic working groups around key migration policy areas with representatives of social partners and civil society Revive the Committee for the Employment of Non-Seychellois (CENS) to discuss work permit requirements, employment and welfare related issues for migrant workers, overseas recruitment, and other related issues. Integrate labour migration-related topics into the agenda of the National Consultative Committee on Employment to ensure tripartite discussion 	Department; Immigration department, Ministry of Education and HRD, Ministry of Economic Planning, GETUS, SFWU, SLU, relevant civil society organisations (SCCI, CEPS) PEAs	policy approach to labour migration across Government; Coordinated programmes in employment, education immigration Clearly defined division of responsibilities among ministries;	Short term Short term Short term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
1.2 Reliable, relevant, timely, sex-disaggregated information on labour migration is produced and utilized for evidence- based policy decision- making	 Form an inter-ministerial working group to identify a set of priority labour migration indicators and common methodology for collecting the data. Data on migrant workers should be disaggregated by age, sex, occupation, country of origin and duration of stay. Indicators on working conditions, wages, and qualifications should also be included; Improve mechanisms for compiling and triangulating data from existing administrative sources, such as public employment services and private employment agencies, migration and airport services, labour inspection, and tax directorate; Integrate data collection on labour migration indicators in regularly produced statistical sources, such as labour force surveys, enterprise and household surveys. Consider adapting the ILO Labour Migration Module and attaching it to the Labour Force survey or 2020 Census; Conduct qualitative and quantitative studies on priority thematic areas including comparative studies on wages, migrants' access to social protection, including maternity protection, working conditions, and OSH. Consult employers and workers' organizations to jointly analyse interactions between labour migration and other socio-economic indicators, such as employment and unemployment. 	Department; Immigration Department, National Bureau of Statistics, Agency for Social Protection	Greater coordination between data producers and users; Evidence-based public debate and policymaking	Short term Short term Short term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
1.3 Coherent legislative and regulatory frameworks promoting equal treatment of all workers	 Conduct a review of existing legislation covering migrant workers to assess conformity with ratified ILO standards and international migrant- specific conventions, with particular attention to differential treatment for migrant workers in regard to laws concerning social security, income tax and remuneration, as well as access to family reunification, housing and social assistance. Conduct a comparative analysis of regulations and protection measures applied to migrant workers in the SITZ and outside the SITZ, and if relevant, harmonize regulations to ensure equal treatment and opportunities between all categories of workers. Consider ratifying the ILO Migrant Workers Conventions (No. 97 and No.143) to strengthen the rights-based framework for labour migration in the Seychelles. 	Department; Immigration Department GETUS, SFWU, SLU, FSA	governance is underpinned by a solid rights-based framework in line with Seychelles' international commitments and values	Short/Mediu m term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
1.4 Regulations for controlling inflows of migrant workers reflect labour market needs and are efficiently administered	 Develop a simplified and efficient "one stop" electronic work permit application system shared between Immigration and Employment Departments Conduct a comparative review of international policies and practices on migrant workers' admissions schemes and present results to the advisory committee for NLMP and/or CENS to initiate discussions on reforming the Seychelles work permit scheme to better align it with labour market needs. The review could examine the following types of policies and practices from abroad, without being limited to these: Extending the mandatory labour market testing period to one month and applying it to all positions, with the exception of a limited list of essential high-skilled occupations with established shortages (see 3.2 below). Establishing sector, occupational or industry-wide quotas for migrant workers based on close labour market monitoring rather than quotas for individual employers; Creating paths to permanent residence for migrants with skills recognized as necessary for long-term development and for which skills transfer to a local worker is not feasible in the short or medium term; Introducing probation periods for fixed term contracts of migrant workers with clear regulations for terminating a contract during this period; Creating a points-based system or other fast-track visa facilitation system to attract and retain highly-skilled workers; Introducing different durations of temporary work permits adapted to the needs of the post, such as seasonal worker schemes (duration under 6 months), or longer-term work permits (for example, duration of 5 years); Introducing work-study visas or facilitated access to work visas following graduation from a Seychelles higher-education institution in order to retain skills in the country. 	Department, Immigration Department; Employment Department, Ministry of Education and HRD, GETUS, SFWU, SLU	Reduced processing time and less information loss in processing work permits; Employers and workers benefit from work permits that accurately reflect the requirements of the posts; Incentives to attract highly- skilled migrants are in place;	Short term Medium term TBD TBD TBD

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
1.5 Bilateral relations with countries of origin of migrant workers are strengthened	 In collaboration with social partners, develop a model bilateral labour agreement that is gender-responsive and in line with international good practices and guidelines, including ILO Recommendation No.86; With participation from social partners, review existing bilateral labour agreements and MOUs and update to reflect existing migration flows and labour needs and to ensure they contain provisions respecting the principle of equality of treatment and opportunities between migrant and national workers, and are in line with internationally recognized good practices; Consider developing new bilateral labour agreements to meet identified labour shortages in the private sector, ensuring coherence with BLAs and MOUs used for public sector recruitment Strengthen relations with consular representatives of origin countries in the Seychelles to promote shared responsibilities in the protection and management of migrant worker issues Encourage cooperation between social partners and civil society organizations in country of origin and the Seychelles for the prevention of abusive practices, continuity in access to grievance mechanisms and to educate migrant workers on Seychellois labour legislation. 	Affairs /Employment Department, GETUS, SFWU, SLU, relevant CSOs	responsibility sharing with origin countries are established;	Short term Medium term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
Priority Area 2: Protectio	on of the rights of all workers			
2.1 Existing regulations for the protection of workers are enforced in particular concerning working conditions and living conditions	 Ensure that written employment contracts are in place in a language clearly understood by the migrant worker and in conformity with labour legislation, and workers have access to the contract at all times during their stay in the Seychelles Consider introducing a standard employment contract containing obligatory minimum provisions regarding wages, rest periods and benefits; Strengthen labour inspection capacity to address the specific needs and circumstances of migrant workers through training, increased joint inspections with relevant departments, stricter application of sanctions for non-compliance (including suspension or revocation of Entitlement certificates) and legal follow-up. Through the CENS or the Advisory Committee to monitor implementation of the NLMP, set up a working group to clarify employer obligations in relation to housing and food for migrant workers and develop and disseminate guidelines accordingly Monitor migrants' working and living conditions and investigate reports of abuses or unacceptable conditions in collaboration with Public Health services, labour inspectors and social partners. Set up emergency housing facilities for migrant workers in abusive employment situations and/or victims of human trafficking 	Department, Immigration Department, Public Health Authority, GETUS, SFWU, SLU	Safeguards against downward pressures on wages and working conditions in place; Dissuasive sanctions are in place; Decent living conditions are respected for migrant workers;	Short term Short/Mediu m term Short term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
2.2 Data on abuses and violations of labour and immigration regulations systematically collected and applied	 Systematic collection and dissemination among relevant ministerial departments of data on violations of labour legislation disaggregated by sex, age, sector, occupation, and nationality of workers. Use labour inspection and grievance and complaints mechanisms to collect data on violations by employers or PEAs, including of sanctions applied; Information on cases of violation of labour legislation currently under investigation or adjudication will be shared between Labour and Immigration Departments to ensure that this information is taken into account for decisions to issue future GOPs and to protect against deportation or return of migrant workers with pending grievances. Conduct surveys on wage differentials between local and migrant workers by sector to monitor wages and detect discrimination affecting both local and migrant workers. 	Department; Immigration Department, National Bureau of Statistics, SRC	Industries with greater risks of violations are identified and more closely monitored; Follow-up of repeat offenders is facilitated;	Short term Short term Medium/lon g term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
2.3 Gaps and ambiguities in relation to access to social protection benefits for migrant workers are rectified	in practice, including gender differences with respect to entitlements and benefits, and formalize responsibilities of employers in providing coverage.	Protection Employment	Expanded social protection coverage for migrants in line with Seychelles' international obligations	Medium term Medium term
	extending coverage of the national social security system to migrant workers and their families.	Public Health Authority		Short term
	 Consider entering into bilateral social security agreements with primary countries of origin of migrant workers to ensure maintenance of rights, and with destination countries for Seychellois abroad. 	Ministry of Foreign Affairs		term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
2.4 Migrant workers have access to justice, information and other support services	\mathbf{x} - Engago with workers and employers' erganizations and swill secret	Department, Immigration Department SFWU, SLU, GETUS, ARID, Office for Migrants and Itinerant People, other relevant CSOs, Civil Society	Social services for migrant workers are broadened	Short/Mediu m term Short term Short/Mediu m term Short term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
specific needs	 Provide information and training to lawyers, labour inspectors, legal authorities and social partners on the rights of migrant workers embodied in the UN ICMRW and in national legislation, and how they can be invoked in grievance proceedings. 	Department GETUS, SFWU, SLU, ARID, Office for Migrants and Itinerant People, other relevant CSOs	information gaps on employer responsibilies are clarified; International and national legal frameworks for the protection of migrant workers are utilised in practice; Common illegal practices such as passport retention	long term) Short term Short/Mediu m Term Short term Medium/lon g term (ongoing process)

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
Priority Area 3: Attracting	g, retaining and developing skills			
market information and other data is available to assess supply and demand of skills in key sectors and occupations	 Collect qualitative data through focus group discussions and feedback from employer organizations and trade unions, and recruitment 	Ministry of Education and HRD, GETUS,, SFWU, SLU, PRAs, professional training centres	Labour force planning can be conducted on the basis of objective data;	Short/Mediu m term Short/Mediu m term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
	 Establish tripartite sector-specific skills councils with strong private sector representation to identify future job growth, monitor the employment situation in the sector (supply and demand), identify skills gaps and strategies to fill labour shortages, support skills development programmes, identify priorities for investment in training, and set training standards. In collaboration with skills councils, establish a limited list of critical occupational shortages for which there is an established significant immediate lack of highly-qualified workers which cannot be compensated by on-the-job training or short-term training programmes, and which may be considered for visa fast-track or other facilitated access to visas Define strategies with skills councils for filling skills gaps through both local training programmes and recruitment of foreign workers in key sectors. This includes revising quotas per sector or occupation to ensure coherence with established labour market needs. 	Department; Ministry of Economic planning; Ministry of Education; PRAs; social partners, private employers	Training and education programmes are demand- driven; Consensus is built around temporary and long-term labour market needs; Strategies for addressing structural skills gaps are developed	Medium term term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
3.3 Skills transfer programmes from migrants to nationals in key sectors are improved to facilitate local workers' access to productive employment	2. Consider increasing incentives for hiring trainees, understudies, or recent	Department; PRAs,public employment services, private employers	Greater interest among employers to participate in localization programmes; Effective skills transfer from migrants to local workers within reasonable time limits	

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
3.4 Strategies are developed for the return and retention of skilled Seychellois workers	Sevencious and map skilled Sevencious abroad	Affairs, Immigration Department, ANHRD	to reliable data on flows and stocks of highly skilled Seychellois abroad; Strategies to tap into diaspora networks' skills and resources are in place	Medium / Long term Medium/Lon g term Medium/Lon g term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
Priority Area 4: Fair and	effective recruitment			
4.1 Measures are enacted and enforced to protect migrant workers from fraudulent or abusive recruitment practices	 Strengthen regulations and monitoring of recruitment sources used by employers to ensure that only registered PRAs and other regulated recruitment channels are used; take measures to sanction employers and subcontractors using unlicensed recruitment channels. Consider increasing the role of public employment services in the recruitment and placement of migrant workers. Develop joint liability schemes between employers and PRAs to hold both parties accountable for respecting workers' rights in the recruitment process and for sharing responsibility for failed recruitments. Enforce regulations prohibiting charging of recruitment fees or other related costs to both local and foreign workers and jobseekers through labour inspection and other means available. Compile a "blacklist" of overseas recruitment agencies with established repeated poor practices and circulate to local PRAs and employers. Create accessible complaint channel to register grievances in relation to poor recruitment practices both in countries of origin and in the Seychelles. Provide training to enhance the capacity of workers' organisations to monitor recruitment practices and provide support services to workers during the recruitment process. 	Department; PRAs, GETUS, SFWU, SLU Immigration Department	Accountability for engaging in fair and effective overseas recruitment on the basis of due diligence is shared by employers and PRAs; Workers have access to effective redress mechanisms; Workers are not subjected to undue recruitment- related costs in the Seychelles	m term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
4.2 A comprehensive regulatory framework for recruitment activities is in place	 Review, in collaboration with employers and workers organizations, national legislation and regulations regarding PRAs and overseas recruitment to identify possible loopholes and gaps and ensure comprehensive regulations on all aspects of PRAs role and monitoring processes; 	Department; PRAs, GETUS,		Short/Mediu m term Short term
	 Consider developing regulatory provisions for employers seeking to recruit migrant workers from abroad directly, without passing through intermediaries. Regulations should specify employer obligations regarding the respect of migrant workers' rights during the recruitment process. Conduct an assessment on all costs associated with hiring migrant workers (including wages, in-kind benefits, taxes and other contributions, work permit fees) and review the relevance of current fees applied to employers in light of imperatives to ensure competitiveness between local and migrant workers 		recruiting migrant workers Data on the costs associated with hiring migrant workers is available to employers and used in designing regulations	Medium /longterm

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
4.3 Greater flexibility is introduced in employer- migrant worker relations to reduce mobility constraints on migrant workers	 Consider the following measures to reduce migrants' dependency on single employers and facilitate labour market mobility: 1. Providing migrant workers with direct access to information on their GOP status, independently of their employers. This could be done by issuing identification cards indicating GOP expiration date, or allowing migrants check their GOP status through an online system. 2. Establishing criteria to allow migrant workers to change employers in specific cases, which could include cases where an employer has failed to renew the migrant worker's GOP, failed to pay wages consistently, or dismissed the worker without adequate justification. 3. Creating mechanisms to share or transfer the costs associated with bringing migrant workers into the country between current and former employers if a migrant changes employers during his or her initial contract period. 	Department; Employment Department, SFWU, SLU, GETUS, private employers	Migrant workers' dependence on employers is reduced, lowering risks of rights violations and risk of falling into irregular status through employer negligeance; Greater internal labour market mobility leading to better labour market outcomes overall and reduced differences between local and migrant workers	Medium/lon g Term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
4.4 Improved overseas recruitment processes to facilitate the recruitment of qualified workers	 Assist PRAs in the Seychelles in establishing a procedure for evaluating 	Department, PRAs, SFWU, SLU Ministries of Labour in origin countries	Higher proportion of successful overseas recruitments; Greater collaboration between government and private sector for proactive recruitment of foreign workers;	Short/Mediu m term Short term Short/Mediu m term Short/Mediu m term Short/Mediu m term

Expected Outcome	Actions	Lead and key stakeholders	Anticipated benefits	Time frame (short/ medium/ long term)
4.5 Collaboration between public employment services and private recruitment agencies is enhanced to deliver more effective job placement and recruitment services	employment services, ensuring that the respective scope of responsibilities and target groups are clearly set out to avoid overlap.	Department PRAs	between PRA job placement services and public employment service programmes; Government has accurate and up-to-date data on vacancies, job seekers and	Short term Short term Short term